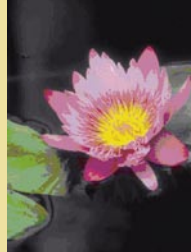




GSA Office of Property Disposal



Environmental Framework for Real Property Disposal





foreword

The General Services Administration's (GSA) *Environmental Framework for Real Property Disposal* is designed to provide customer agencies and realty specialists with an easy-to-use framework for achieving compliance with environmental laws and regulations applicable to the acceptance and disposal of federal real property. Landholding agencies are encouraged to use this handbook as a tool for completing the *Excess Real Property Checklist* that becomes part of the *Standard Form 118, Report of Excess Real Property* (<http://rc.gsa.gov/>).

The handbook is organized by environmental topic in the sequence by which it appears in the *Excess Real Property Checklist*. Each environmental topic includes a process diagram, acceptance criteria for the landholding agency, disposal criteria for the disposal agency, relevant definitions, and other pertinent information.

The materials in the *Environmental Framework for Real Property Disposal* are not intended to constitute legal advice or substitute for obtaining legal advice from your own legal counsel, but merely to provide a guide for reporting federal real property as excess.

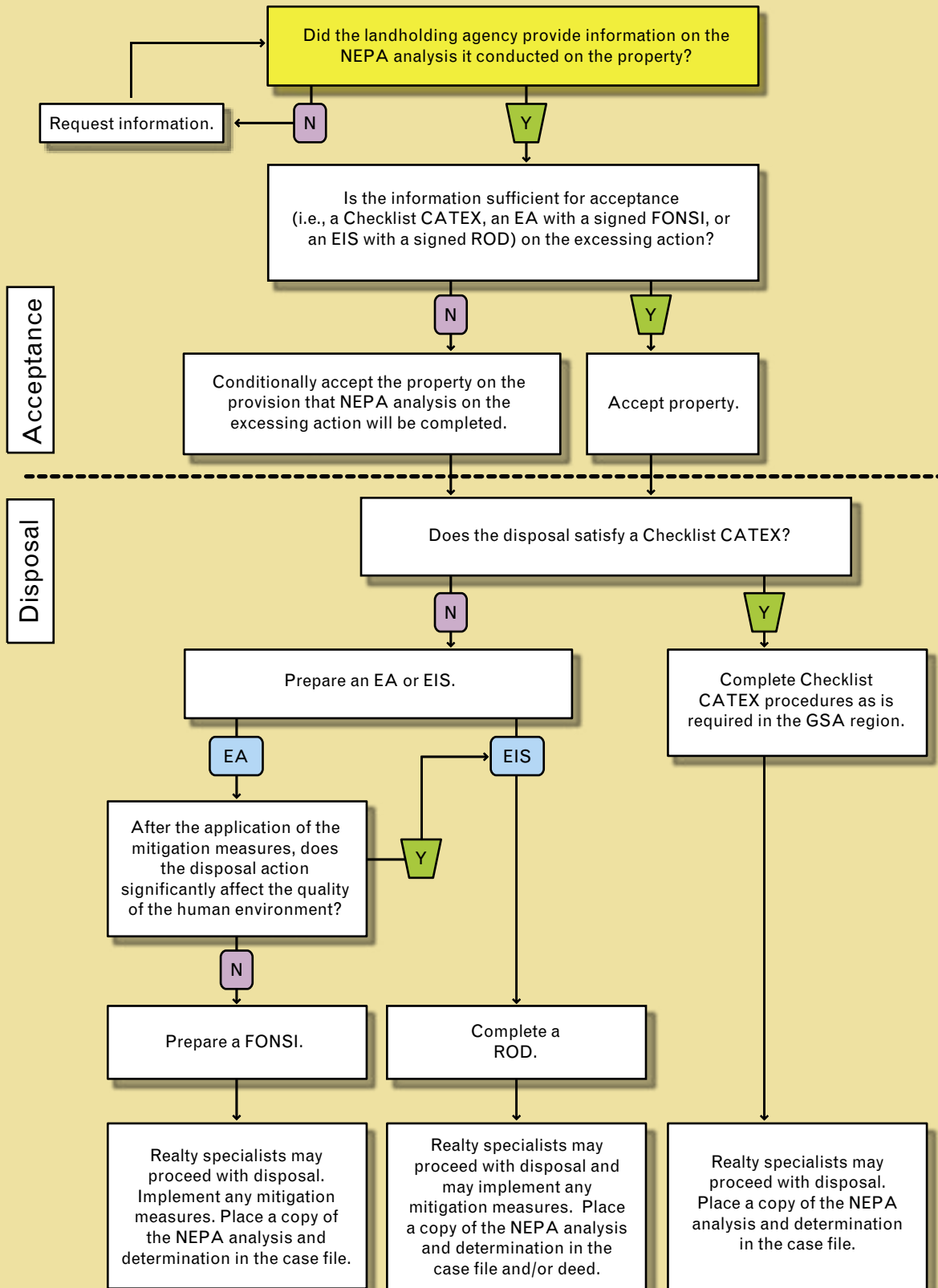
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acronyms used in the framework and flowcharts

ACHP	Advisory Council on Historic Preservation
ACM	Asbestos-containing material
CATEX	Categorical Exclusion
CDR	Covenant deferral request
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CFR	Code of Federal Regulations
CZMA	Coastal Zone Management Act
EA	Environmental Assessment
EIS	Environmental Impact Statement
ESA	Endangered Species Act
FEMA	Federal Emergency Management Agency
FHBM	Flood hazard boundary map
FIRM	Flood insurance rate map
FMR	Federal Management Regulations
FONSI	Finding of No Significant Impact
FOSET	Finding of Suitability for Early Transfer
FWS	U.S. Fish and Wildlife Service
GSA	U.S. General Services Administration
IFB	Invitation for Bid
LBP	Lead-based paint
MOA	Memorandum of Agreement
NEPA	National Environmental Policy Act
NHPA	National Historic Preservation Act
NMFS	National Marine Fisheries Service
NOAA	National Oceanic and Atmospheric Administration
NPL	National Priorities List
NWI	National Wetlands Inventory
O&M	Operation and maintenance
OGC	Office of General Counsel
OPS	Operating properly and successfully
PBS	Public Buildings Service
PCB	Polychlorinated biphenyls
ppm	Parts per million
PRP	Potentially responsible party
ROD	Record of Decision
SHPO	State Historic Preservation Officer
THPO	Tribal Historic Preservation Officer
UST	Underground storage tank

National Environmental Policy Act (NEPA) process



National Environmental Policy Act (NEPA)

criteria

Acceptance criteria

In the report of excess, the landholding agency should provide:

- A copy of the NEPA determination and analysis.

Disposal criteria

As part of its disposal responsibilities, GSA will include in the Invitation for Bid (IFB), or Offer to Purchase, and/or deed:

- All available information about NEPA actions (i.e., the NEPA determination and analysis) from the landholding agency and GSA disposal actions.

definitions

Categorical exclusion (CATEX) refers to actions or classes of actions excluded from the requirement to perform an Environmental Assessment (EA) or Environmental Impact Statement (EIS) because they do not individually or cumulatively have a significant effect on the quality of the human environment.

An **EA** is a document prepared to analyze and provide evidence for determining whether to prepare an EIS or a Finding of No Significant Impact (FONSI). An EA analyzes potential alternatives to the federal action and potential impacts of each alternative.

An **EIS** is a document required for major federal actions that significantly affect the quality of the environment. An EIS analyzes potential alternatives to the federal action and potential impacts of each alternative.

A **FONSI** is a document recording the determination that a project will have no significant impacts on the quality of the human environment.

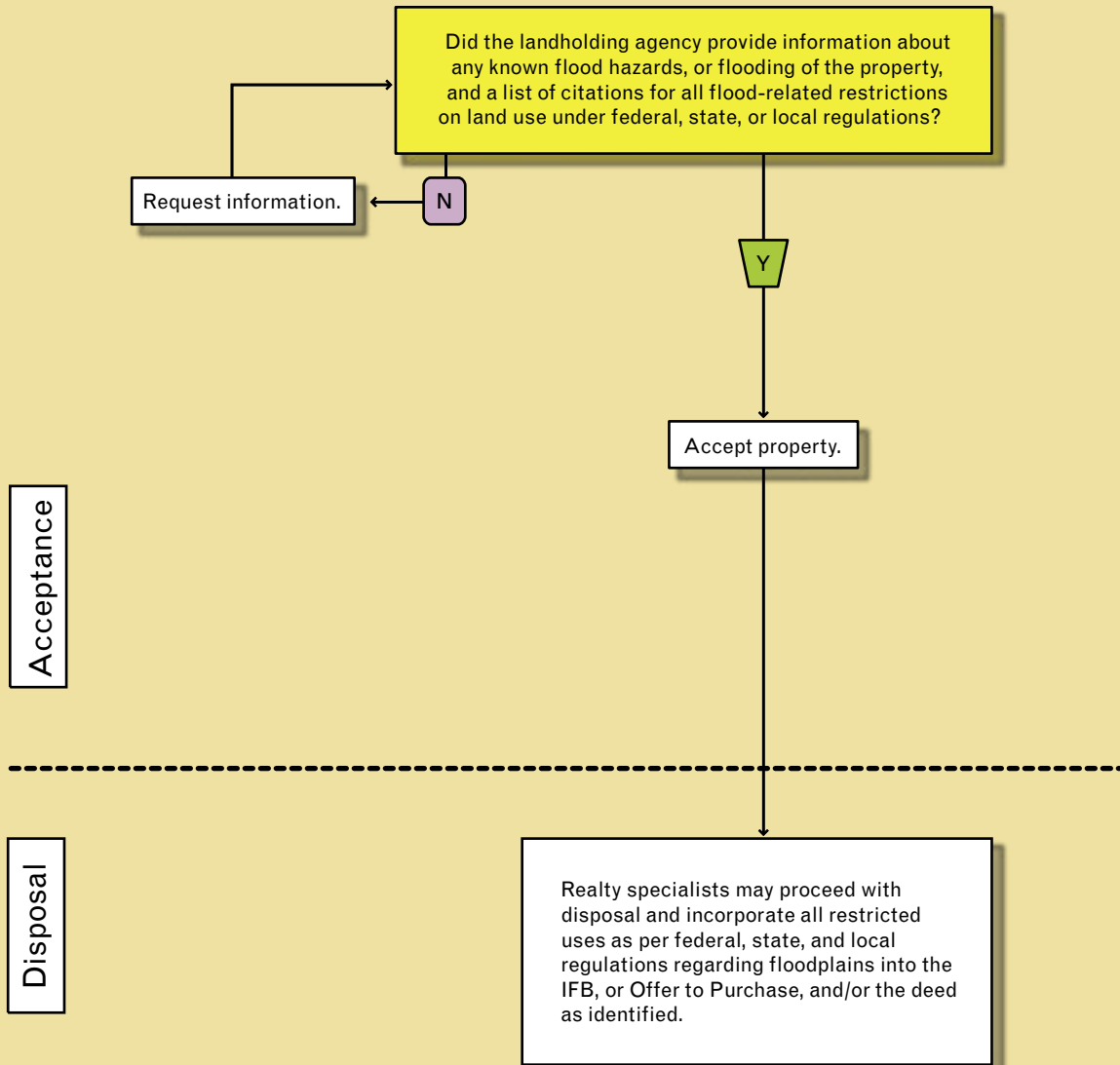
A NEPA **Record of Decision (ROD)** is a concise public record that states the agency's decision on an action for which a final EIS has been prepared. It identifies alternatives considered, specifies the alternative or alternatives that were considered to be environmentally preferable, and states whether the agency has adopted all practicable means to avoid or minimize environmental impacts from the alternative selected.

Mitigation measures are the methods by which the impact is rectified by either avoiding the impact altogether by not taking a certain action or parts of an action; minimizing impacts by limiting the degree or magnitude of the action and its implementation; repairing, rehabilitating, or restoring the affected human environment; eliminating the impact by preservation; or compensating for the impact by replacing or providing substitute resources for the environment. Examples include deed restrictions, land use controls, or a Memorandum of Agreement (MOA).

general information

For additional guidance on the GSA disposal process for NEPA, see the Public Buildings Service (PBS) NEPA Desk Guide.

Floodplains process



Floodplains

criteria

Acceptance criteria

In the report of excess, the landholding agency should provide:

- The location of any known flood hazards on the property or flooding of the property.
- A list of restricted uses (along with citations) identified in federal, state, or local laws and regulations as required by Executive Order 11988.

Disposal criteria

As part of its disposal responsibilities, GSA will include in the IFB, or Offer to Purchase, and/or deed:

- A listing of all federal, state, or local land use restrictions and include any other appropriate use restrictions.

definitions

Floodplains are defined as lowland and relatively flat areas adjoining inland and coastal waters including flood-prone areas of offshore islands, which, at a minimum, are subject to a one percent or greater chance of flooding in any given year.

Flood hazard is the probability of meeting or exceeding a certain level of flooding in any one year. The Federal Emergency Management Agency (FEMA) has designated several flood hazard zones that correspond to different insurance rates.

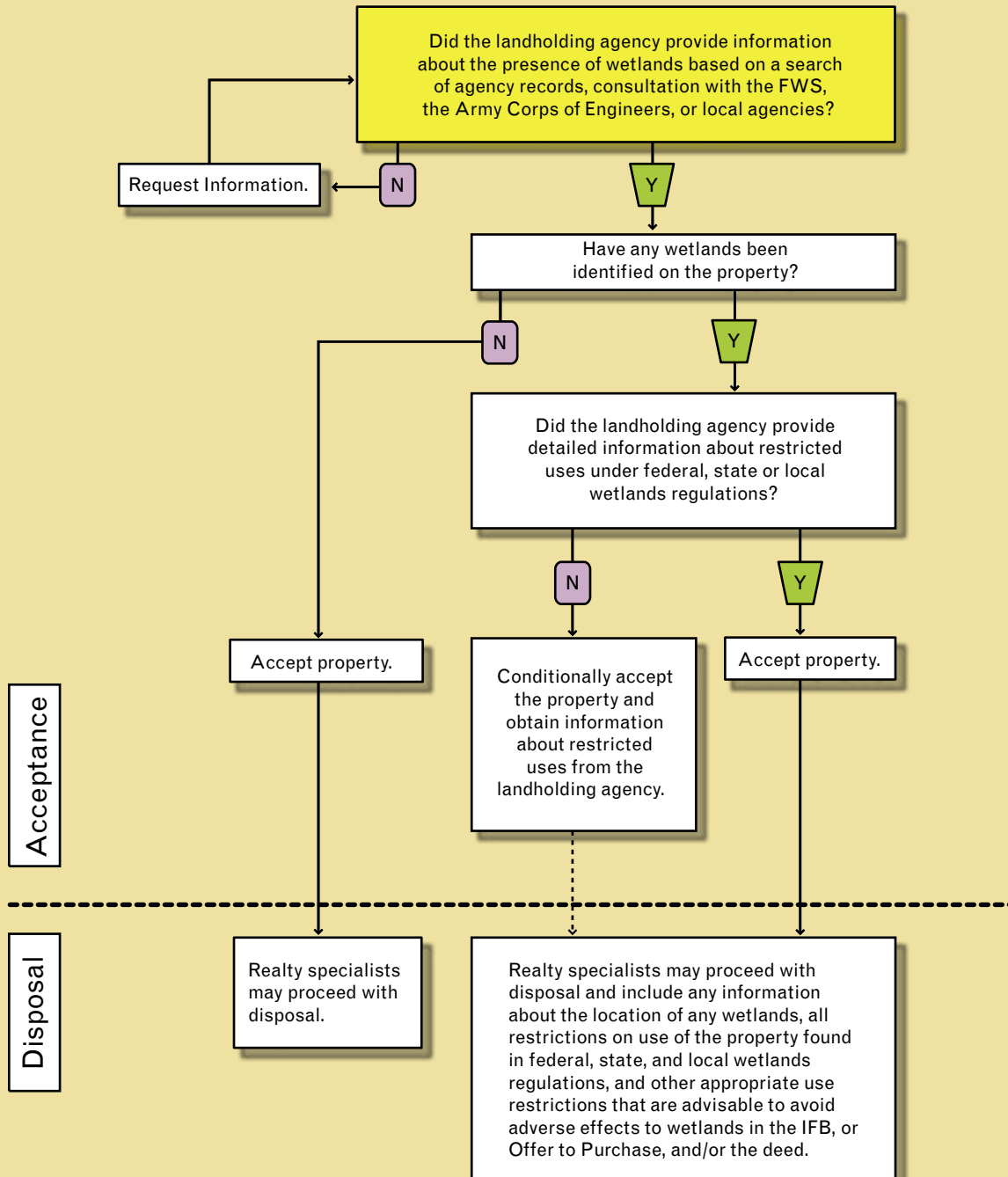
general information

The landholding agency should consider whether the property is in a floodplain or near a floodplain. The landholding agency should also consider whether the reuse of the property would directly or indirectly contribute to floodplain development. To determine the property's proximity to a floodplain, use FEMA's flood hazard boundary map (FHBM), a flood insurance rate map (FIRM), or the best available information. Flood maps may be obtained at <http://www.fema.gov/> or 800-358-9616.

In addition, the local government may also be an excellent resource to determine whether the property lies within a floodplain.

For more information on GSA's policies regarding floodplains, see the GSA Floodplain Management Desk Guide (<http://rc.gsa.gov/>).

Wetlands process



Wetlands

criteria

Acceptance criteria

In the report of excess, the landholding agency should provide:

- Detailed information regarding any known wetlands, including any permits or certified wetland delineations, and a listing of restricted uses (along with the citations) identified in federal, state, or local regulations as required by Executive Order 11990.

Disposal criteria

As part of its disposal responsibilities, GSA will include in the IFB, or Offer to Purchase, and/or deed:

- Information about the location of any wetlands.
- A listing of all federal, state, and local restrictions on land use.
- Other appropriate restrictions as required by Executive Order 11990.

definitions

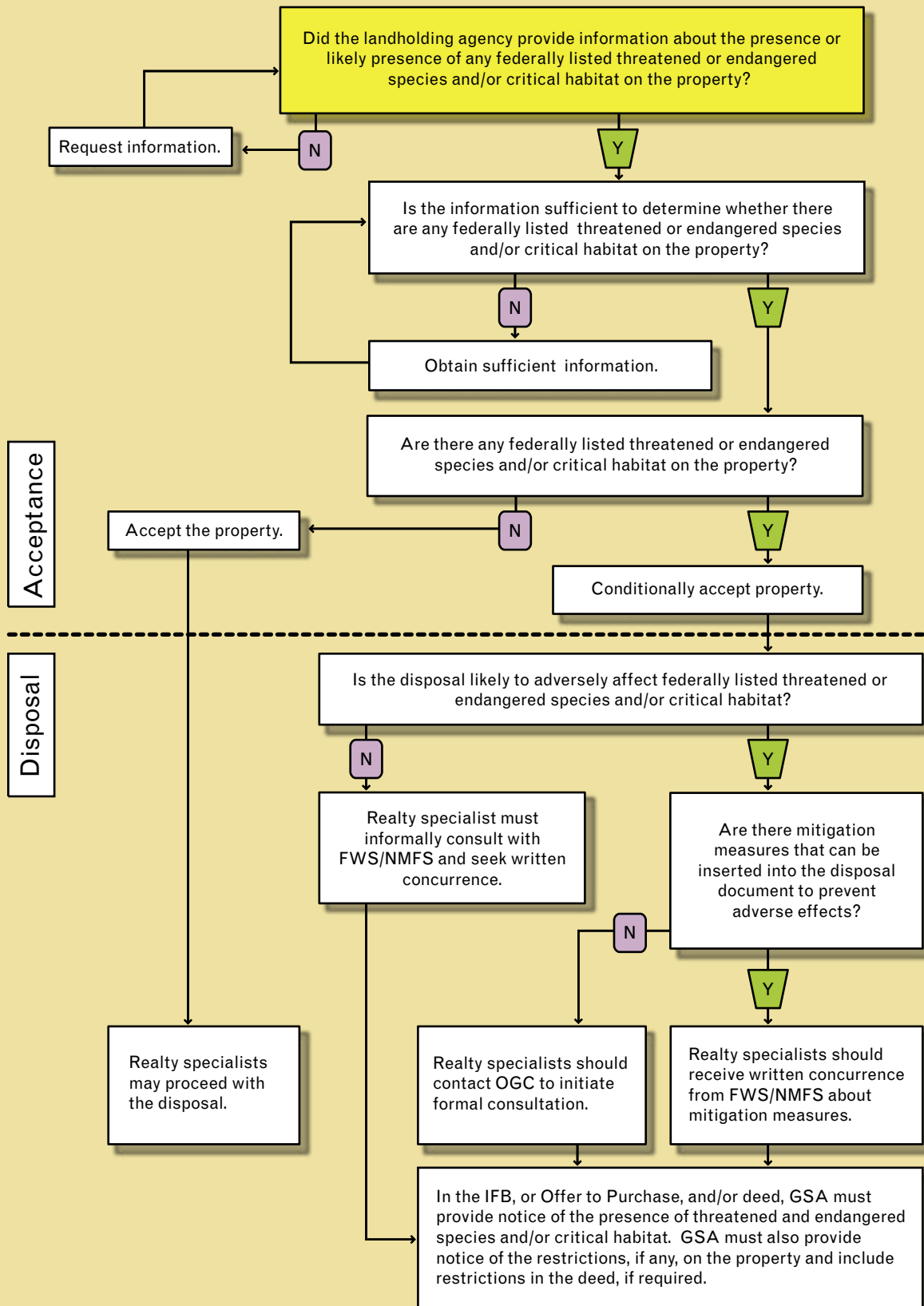
Wetlands are defined as those areas that are inundated by surface or ground water with a frequency sufficient to support, and under normal circumstances do support, a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction. Wetlands generally include swamps, marshes, bogs, and similar areas such as sloughs, potholes, wet meadows, river overflows, mud flats and natural ponds.

general information

There are several data sources that may help verify the location of wetlands. The primary reference tool for wetland mapping in the United States is the National Wetlands Inventory (NWI) at <http://www.nwi.fws.gov/>. An Environmental Baseline Survey or a Phase I Environmental Due Diligence Report may also contain information about the presence of wetlands.

If a wetland delineation study is required, it is recommended that the local Army Corps of Engineers district office be contacted to obtain a listing of certified contractors who can perform wetland delineations in the local area. In addition, the local government may be an excellent resource for determining whether a wetland is located on the property.

Endangered Species Act (ESA) process



Endangered Species Act (ESA)

criteria

Acceptance criteria

In the report of excess, the landholding agency should provide:

- **Information on the presence, or likely presence, of federally listed threatened or endangered species and/ or critical habitat on the property.**

Disposal criteria

As part of its disposal responsibilities, GSA will include in the IFB, or Offer to Purchase, and/or deed:

- **A notice of restrictions if the disposal action affects federally listed threatened or endangered species and/or critical habitat (include restrictions in the deed, if required).**
- **A notice of the presence of threatened and endangered species and/or critical habitat.**

definitions

Threatened Species are a species of wildlife listed in 50 CFR Section 17.11 or species of plant listed in 50 CFR Section 17.12 and designated as threatened.

Endangered Species are a species of wildlife listed in 50 CFR Section 17.11 or a species of plant listed in 50 CFR Section 17.12 and designated as endangered.

Critical habitat are areas listed in 50 CFR Sections 17.95 and 17.96 by the Director of the U.S. Fish and Wildlife Service (FWS) as having constituent elements essential to the conservation of listed species.

Informal consultation precedes or replaces formal consultation and includes any form of communication between the federal agency, applicant, or designated non-federal representative and FWS to determine if listed species may occur in the action area and what the effects of the action may be to such species. This phase is often used to develop project modifications or alternatives to avoid adverse effects to listed species, which would then preclude the need for formal consultation.

Formal consultation is a mandatory process for proposed projects that may adversely affect listed species. It is initiated in writing by the federal agency and concludes with the issuance of a biological opinion by FWS.

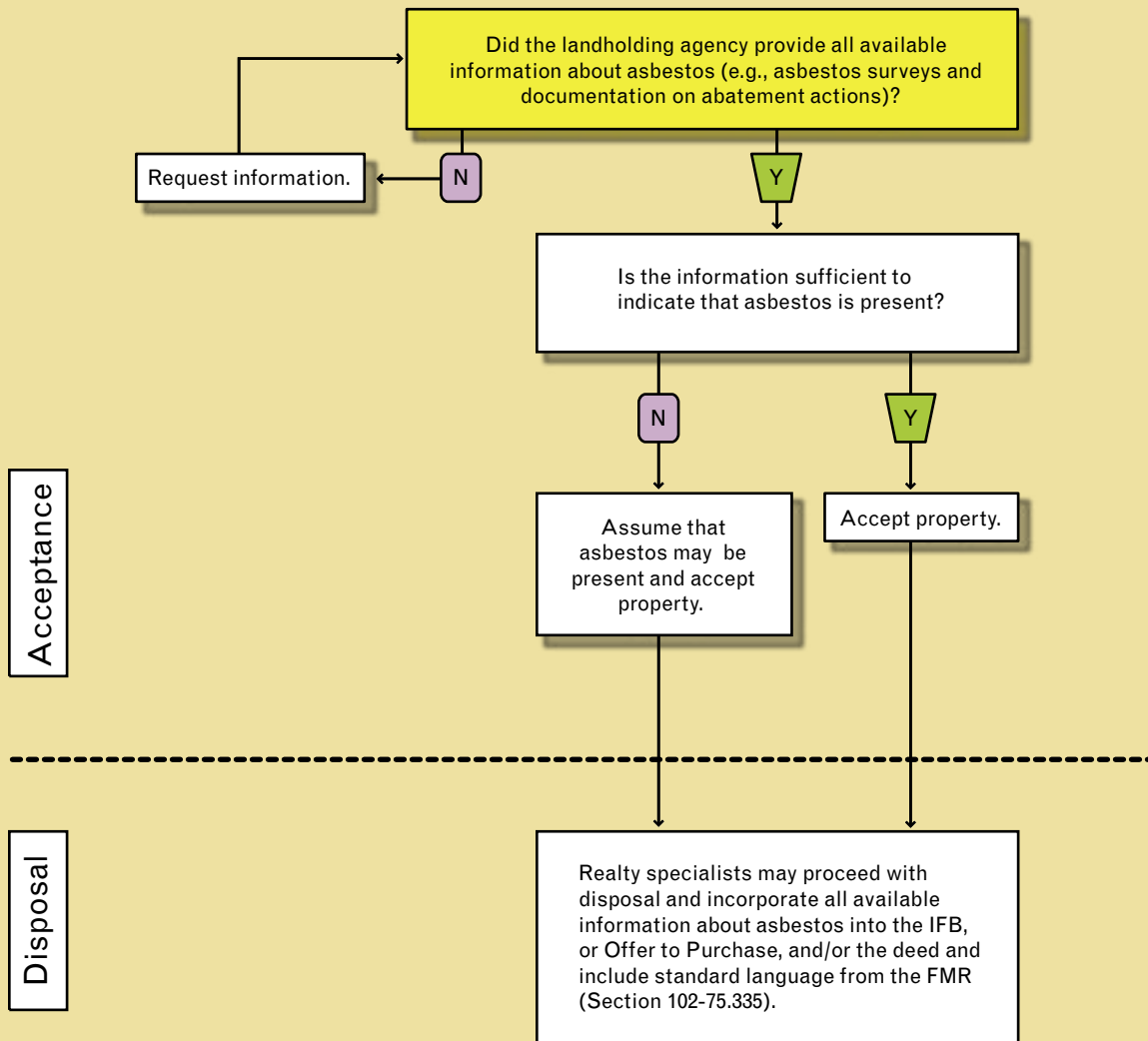
general information

To determine whether a species is endangered or an area is a critical habitat, visit the FWS website at <http://endangered.fws.gov/>.

If the landholding agency discloses the presence of any state listed threatened or endangered species on the property, realty specialists may include such information in the Invitation for Bid, or Offer to Purchase, and/or deed, although this action is not required by ESA.

Mitigation measures may be required to be inserted in the disposal document where the landholding agency had a preexisting agreement with the U.S. Fish and Wildlife Service to maintain habitat in a certain condition.

Asbestos process



Asbestos

criteria

Acceptance criteria

In the report of excess, the landholding agency should provide all available information concerning:

- The type of asbestos.
- The condition of asbestos.
- The location of asbestos.
- Any asbestos control measures taken [e.g., indication of costs and/or time necessary to remove all or any portion of the asbestos-containing material (ACM)].

Disposal criteria

As part of its disposal responsibilities, GSA will include in the IFB, or Offer to Purchase, and/or deed:

- A notification to warn the purchaser that the property offered for sale contains ACM.
- A recommendation for potential purchasers to inspect the property to be sold prior to submitting a bid (offer).
- A description of where asbestos is located on the property (if known).
- A statement that the purchaser will comply with all federal, state, and local laws relating to asbestos, including the presence of friable asbestos.

definitions

Asbestos, found in certain types of rock formations, is a naturally forming mineral that can be separated into fibers. There are six types of asbestos minerals, of which three have been commonly used for commercial purposes. Chrysotile, referred to as white asbestos, constitutes about 95 percent of all the asbestos used in building products.

ACM is defined as any material which contains more than one percent asbestos by weight.

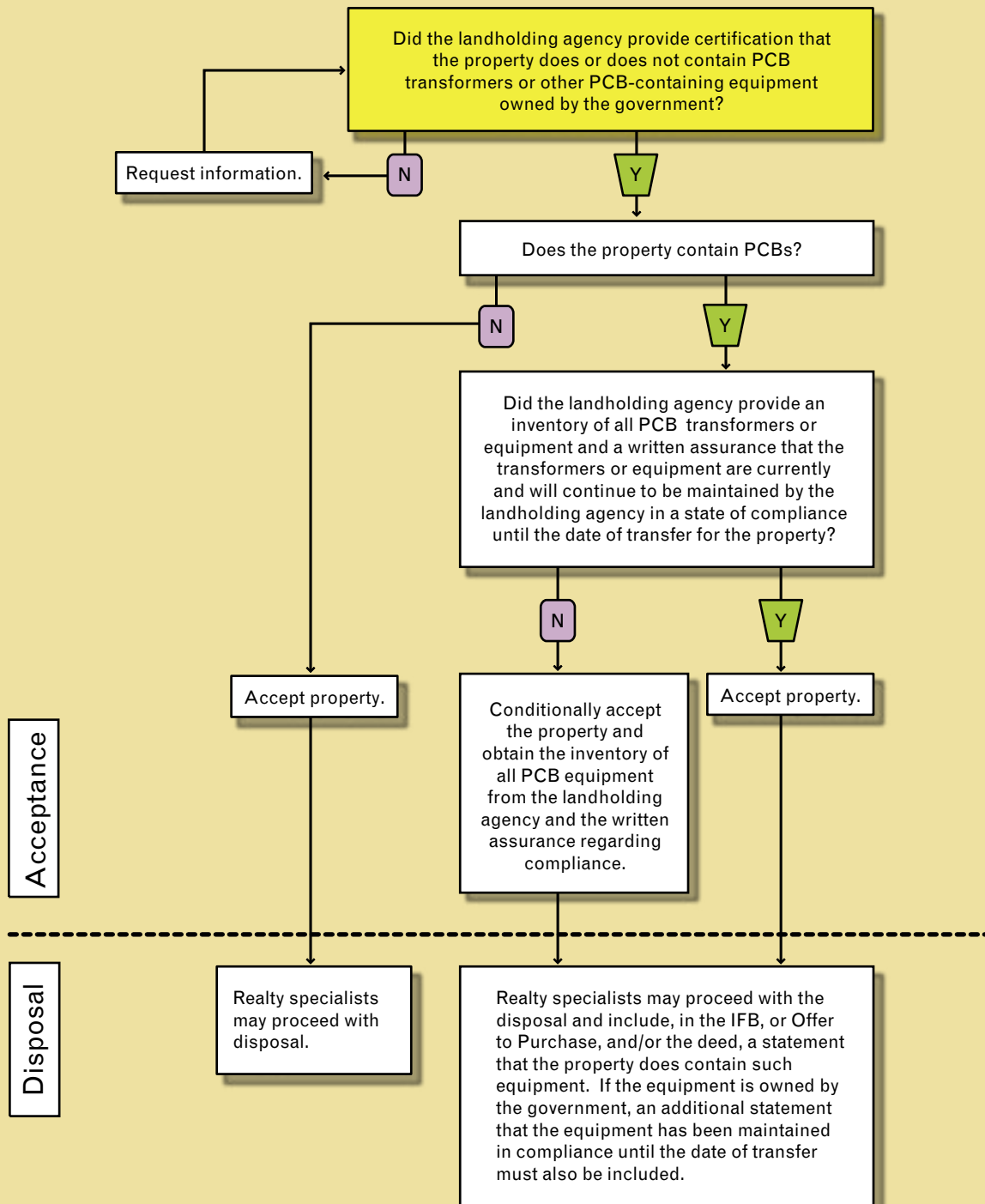
Friable asbestos-containing material is any ACM applied on ceilings, walls, structural members, piping, duct work, or any other part of a building, which when dry may be crumbled, pulverized, or reduced to powder by hand pressure. Friable ACM is thought to release fibers into the air more readily than non-friable asbestos.

general information

Realty specialists should ask the landholding agency for any documentation regarding asbestos, such as contract actions, or the operation and maintenance (O&M) Plan. This documentation may help identify the presence of friable asbestos and any asbestos control measures.

Polychlorinated Biphenyls (PCBs)

process



Polychlorinated Biphenyls (PCBs)

criteria

Acceptance criteria

In the report of excess, the landholding agency should provide:

- A certification that the property does or does not contain PCB transformers or other equipment regulated under 40 CFR Part 761.
- An inventory of PCB equipment.
- An assurance that equipment will be maintained in compliance by the landholding agency until the date of transfer.

Disposal criteria

As part of its disposal responsibilities, GSA will include in the IFB, or Offer to Purchase, and/or deed:

- A statement of whether the property has PCB-containing equipment; and if it does, a statement that the equipment is in compliance with applicable regulations.

definitions

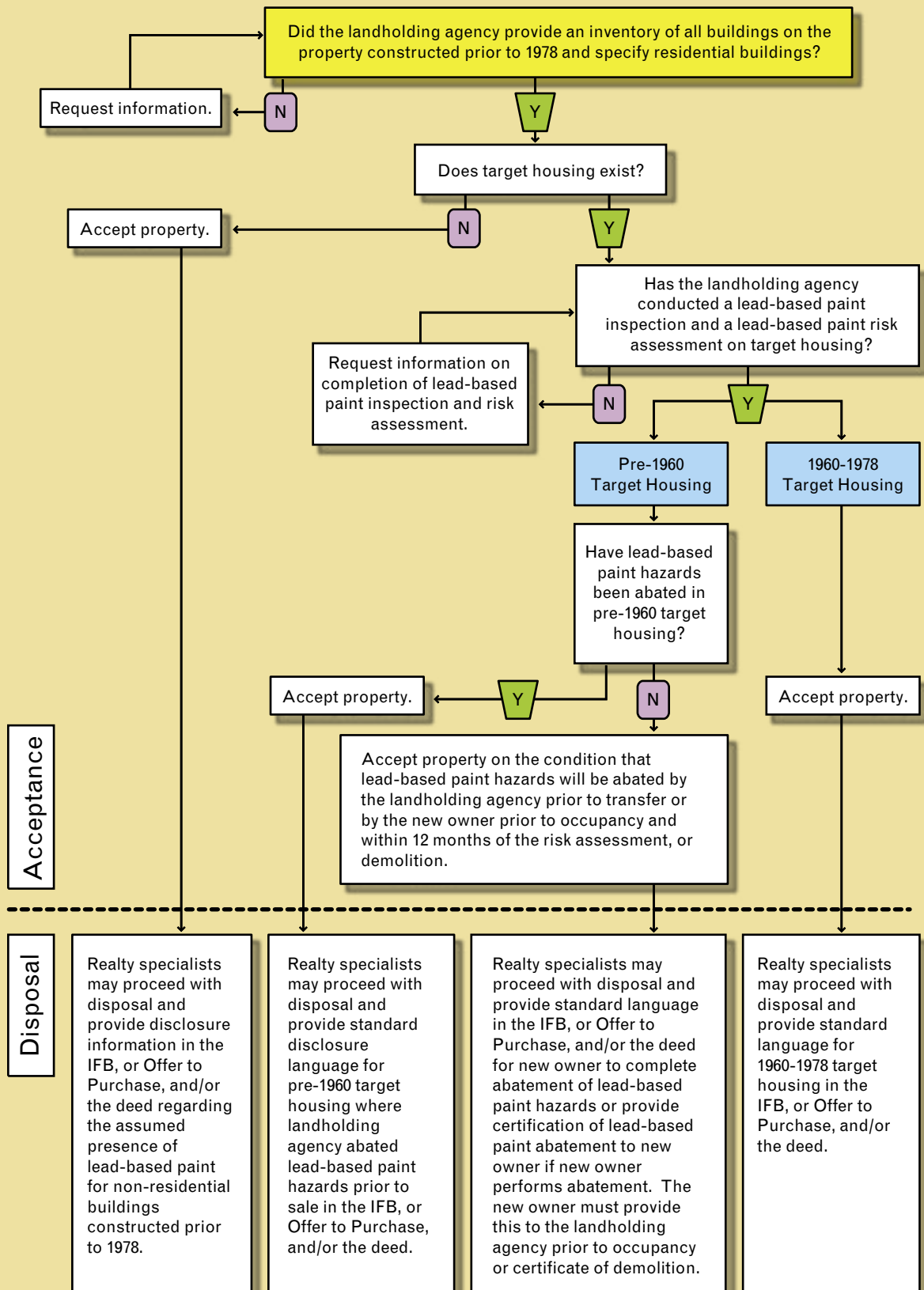
PCBs are mixtures of synthetic organic chemicals that take the form of oily liquids or solids that are colorless to light yellow.

A **PCB transformer** is any transformer that contains PCBs greater than or equal to 500 parts per million (ppm).

PCB equipment is any manufactured item, which includes a manufactured article (other than a PCB container) that contains PCBs and has been in direct contact with PCBs, or other PCB equipment, including electronic equipment and fluorescent light ballasts and/or fixtures.

PCB containers are packages, cans, bottles, bags, barrels, drums, tanks or other devices containing PCBs.

Lead-Based Paint (LBP) process



Lead-Based Paint (LBP)

criteria

Acceptance criteria *

In the report of excess, the landholding agency should provide:

- An inventory of all buildings constructed before 1978.
- Information on the location of LBP hazards on the property.
- A completed LBP risk assessment and paint inspection for 1960-1978 housing.
- Proof that LBP hazards in pre-1960 housing (this requirement may be passed on to the purchaser) have been abated.

**This information should only be collected for target housing.*

Disposal criteria *

As part of its disposal responsibilities, GSA will include in the IFB, or Offer to Purchase, and/or deed:

- A Lead Warning Statement.
- A statement disclosing the presence of known LBP and/or LBP hazards and any additional information available.
- A list of records or reports that have been provided to the purchaser.
- A statement by purchaser affirming receipt of seller's disclosure statements, records, and reports, and a lead hazard information pamphlet.
- A statement by the purchaser that an opportunity to conduct the risk assessment or inspection has been received.
- Signature of the seller/purchaser certifying the accuracy of the statement(s).

definitions

Target housing is any housing constructed prior to 1978, except housing for the elderly and persons with disabilities or zero bedroom dwellings (unless a child younger than six years old resides or is expected to reside in the housing). A child care facility is not considered target housing unless located in a common area or dwelling unit at a residence that itself is target housing.

LBP is defined as any paint containing more than five-tenths of one percent lead by weight (calculated as lead metal) in the total nonvolatile content of the paint, or the equivalent measure of lead in the dried film of paint already applied.

A **LBP hazard** is defined as any condition that will result in adverse health effects by causing exposure to lead from lead-contaminated dust, lead-contaminated soil, or lead-contaminated paint that is deteriorated or is present in accessible, friction, or impact surfaces. Peeling, chipping, chalking, or cracking LBP is a hazard that needs immediate attention.

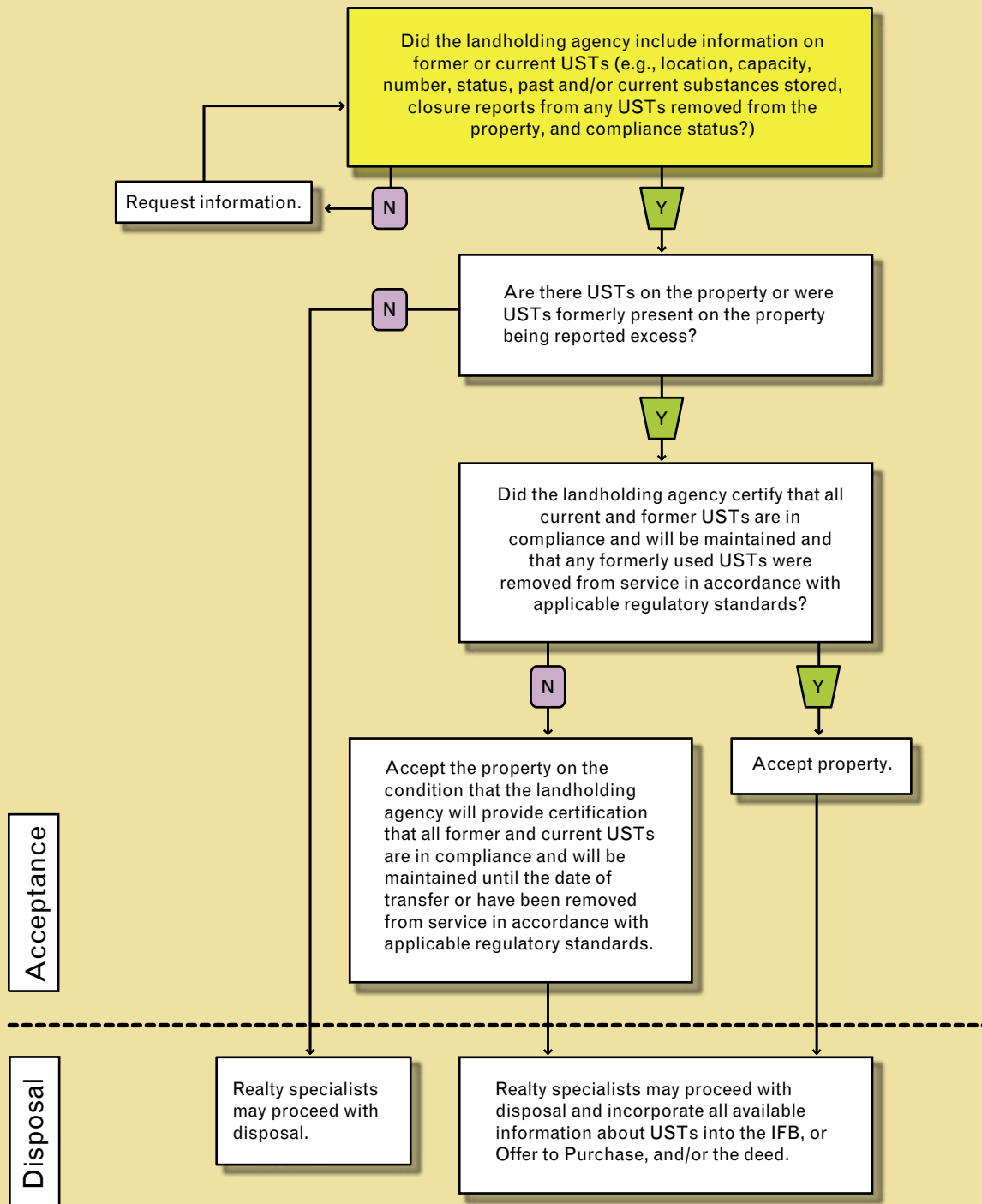
Bare soil lead hazards are defined as 400 ppm in child play areas and 1200 ppm in the remainder of the yard.

general information

Certain buildings are exempt from the risk assessment, inspection, and abatement requirements under special circumstances. For example, a federal law enforcement agency that has seized a residential property and owned it for less than 270 days is exempt.

The Residential Lead-Based Paint Hazard Reduction Act (Title X) applies to off-site removals. This activity should be treated as a disposal action.

Underground Storage Tanks (USTs) process



Underground Storage Tanks (USTs)

criteria

Acceptance criteria

In the report of excess, the landholding agency should provide:

- The location of each UST.
- The capacity of each UST.
- The compliance status under current regulations of each UST.
- The number of USTs in use.
- The substances stored currently or in the past.

Disposal criteria

As part of its disposal responsibilities, GSA will include in the IFB, or Offer to Purchase, and/or deed:

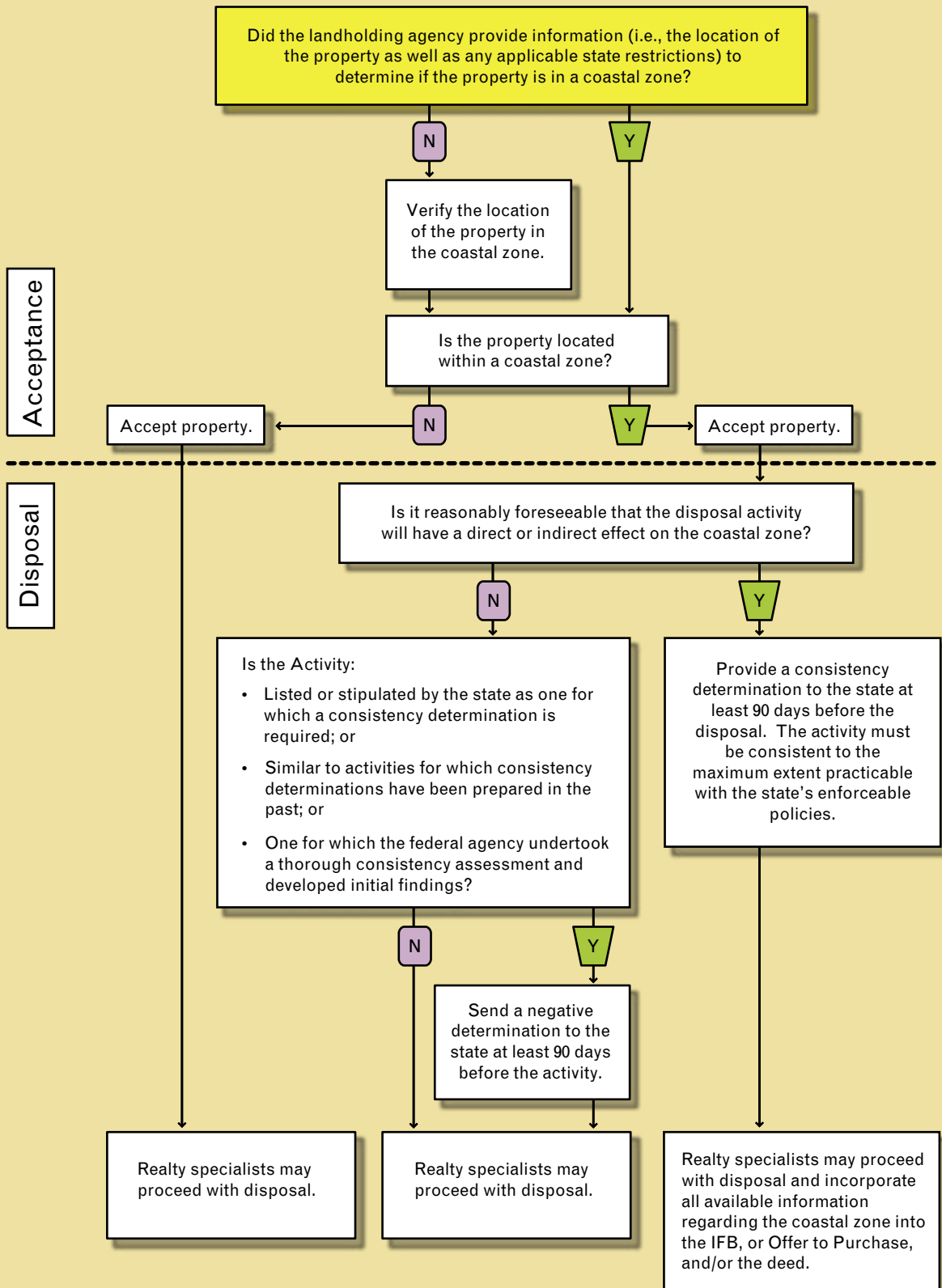
- All available information (i.e., location, capacity, compliance status, and substances stored) for all USTs.
- The landholding agency's certification that the USTs have been maintained and are currently in compliance with all applicable laws and regulations as of the date of transfer.

definitions

USTs are defined as any combination of tanks (including underground pipes connected thereto) that are used to contain an accumulation of regulated substances, and the volume of which is 10 percent or more beneath the surface of the ground, with certain exceptions.

Coastal Zone Management Act (CZMA)

process



Coastal Zone Management Act (CZMA)

criteria

Acceptance criteria

In the report of excess, the landholding agency should provide:

- Identification of the coastal zone in which the property is located.
- Identification of applicable restrictions for the area (from the state CZM plan).

Disposal criteria

As part of its disposal responsibilities, GSA will include in the IFB, or Offer to Purchase, and/or deed:

- Applicable restrictions for the area if it is reasonably foreseeable that the disposal activity will have a direct or indirect effect on the coastal zone.

definitions

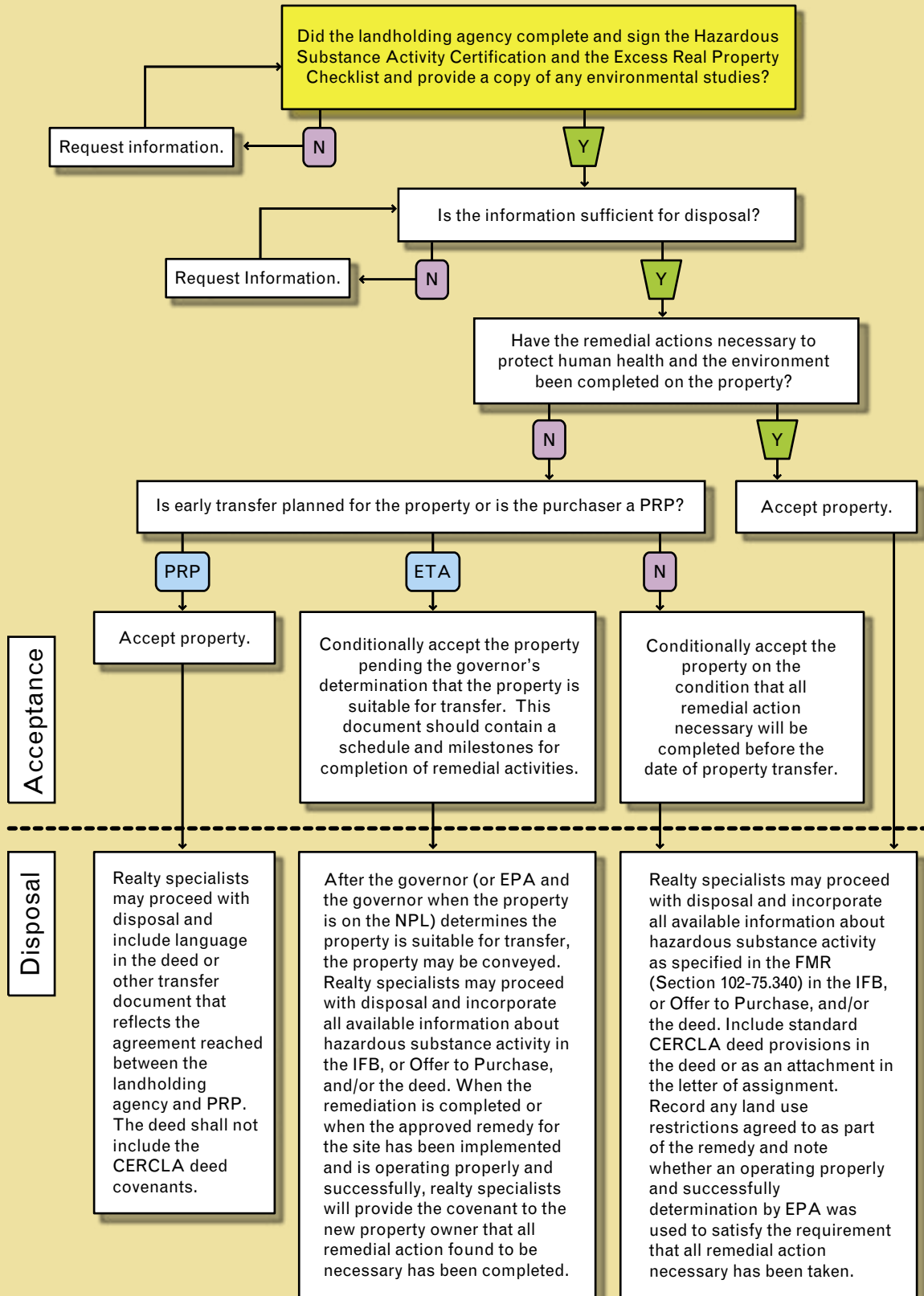
The **coastal zone** is comprised of coastal waters, the lands in and under coastal waters, shorelands adjacent to coastal waters, and the lands in and under shorelands, which are strongly influenced by each other and in proximity to the shorelines of the several coastal states.

general information

To determine whether the property is in a coastal zone, see the National Oceanic and Atmospheric Administration's (NOAA's) State and Territory Coastal Management Program Summaries (<http://coastalmanagement.noaa.gov/>).

For the majority of cases, the realty specialist will prepare a negative determination.

Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) process



Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)

criteria

Acceptance criteria

In the report of excess, the landholding agency should provide:

- A statement indicating the property's National Priorities List (NPL) status.
- A statement indicating whether any hazardous substance activity took place and information on the substances released, disposed of, or stored for a year or more on the site (40 CFR Part 373).
- A copy of all environmental studies conducted by the landholding agency and others, as well as correspondence with environmental regulators.

Disposal criteria

As part of its disposal responsibilities, GSA will include in the IFB, or Offer to Purchase, and/or deed:

- A CERCLA covenant stating that all remedial action necessary to protect human health and the environment has been taken. [Note: This covenant will not be included for an early transfer property or a Potentially Responsible Party (PRP) sale.]
- A notice of hazardous substance activity.

definitions

Hazardous substance activity is defined as the release or disposal of hazardous substances or their storage in certain quantities and/or lengths of time. See 40 CFR Part 373.

The **NPL** is the EPA's list of the most serious hazardous waste sites identified for possible long-term remedial action under Superfund. The NPL is based on the score a site receives from the Hazard Ranking System.

general information

To accept property for disposal, a valid certification regarding hazardous substance activity must be received. For valid certification, the landholding agency either must sign the Hazardous Substance Activity Certification or Report of Excess Checklist.

If the Report of Excess indicates there was hazardous substance activity, the landholding agency must also include one of the following statements:

- All remedial action necessary to protect human health and the environment has taken place;
- All remedial action is in place and that it has been demonstrated to be operating properly and successfully; or
- If such action has not taken place, what is being done to ensure remediation will be completed.

When the purchaser or grantee is a PRP, the early transfer process is not used and the realty specialist need not provide the CERCLA

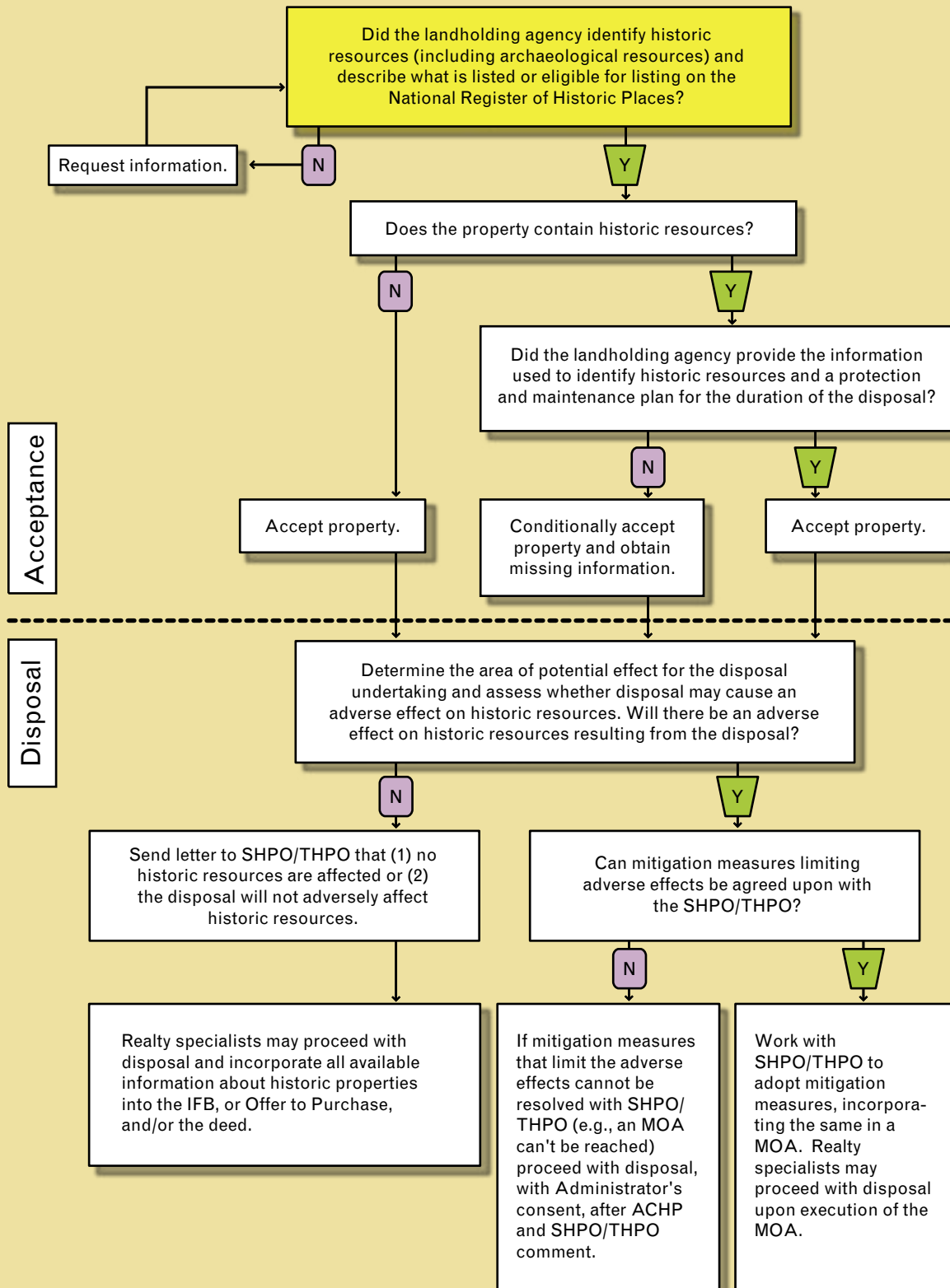
covenants indicating that all remedial action has been completed or that the U.S. will return to the property to address later-discovered contamination. Language should be included in the deed or other transfer document that reflects the agreement reached between the landholding agency and the PRP with regard to prior hazardous substance activity.

Federal Transfers

When the grantee is a federal agency, the realty specialist need not provide the CERCLA covenant that all remedial action has been completed or that the U.S. will return to the property to correct any hazardous condition discovered after the transfer.

If the Report of Excess indicates that there was no hazardous substance activity, the landholding agency must also include a statement indicating that all remedial action necessary to protect human health and the environment has been taken.

National Historic Preservation Act (NHPA) process



National Historic Preservation Act (NHPA)

criteria

Acceptance criteria

In the report of excess, the landholding agency should provide:

- A statement about the historical significance of property including a list of the property's historic and archeological resources and whether the property is listed on or has been nominated for listing on the National Register of Historic Places.
- Information available about any effort by the public to have the property so listed.

Disposal criteria

As part of its disposal responsibilities, GSA will include in the IFB, or Offer to Purchase, and/or deed:

- A statement that sets forth restrictions (e.g., covenants) and requirements imposed on potential purchasers.

definitions

Area of potential effect means the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties including historic properties adjacent to the federal property.

An **adverse effect** is found when an undertaking may alter, directly or indirectly, any of the characteristics of a historic property that qualify the property for inclusion in the National Register in a manner that will diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association. Adverse effects may include reasonably foreseeable effects caused by the undertaking that may occur later in time, be farther removed in distance, or be cumulative.

The **State Historic Preservation Officer (SHPO)** is the official appointed or designated pursuant to Section 101(b)(1) of the NHPA to administer the state historic preservation program.

The **Tribal Historic Preservation Officer (THPO)** is the tribal official appointed by the tribe's chief governing authority or designated by a tribal ordinance or preservation program who has assumed the responsibilities of the SHPO for purposes of Section 106 compliance on tribal lands in accordance with Section 101(d)(2) of the NHPA.

An **undertaking** is a project, activity, or program funded in whole or in part under the jurisdiction of a federal agency, including those carried out by or on behalf of a federal agency and those carried out with federal assistance, financial or otherwise.

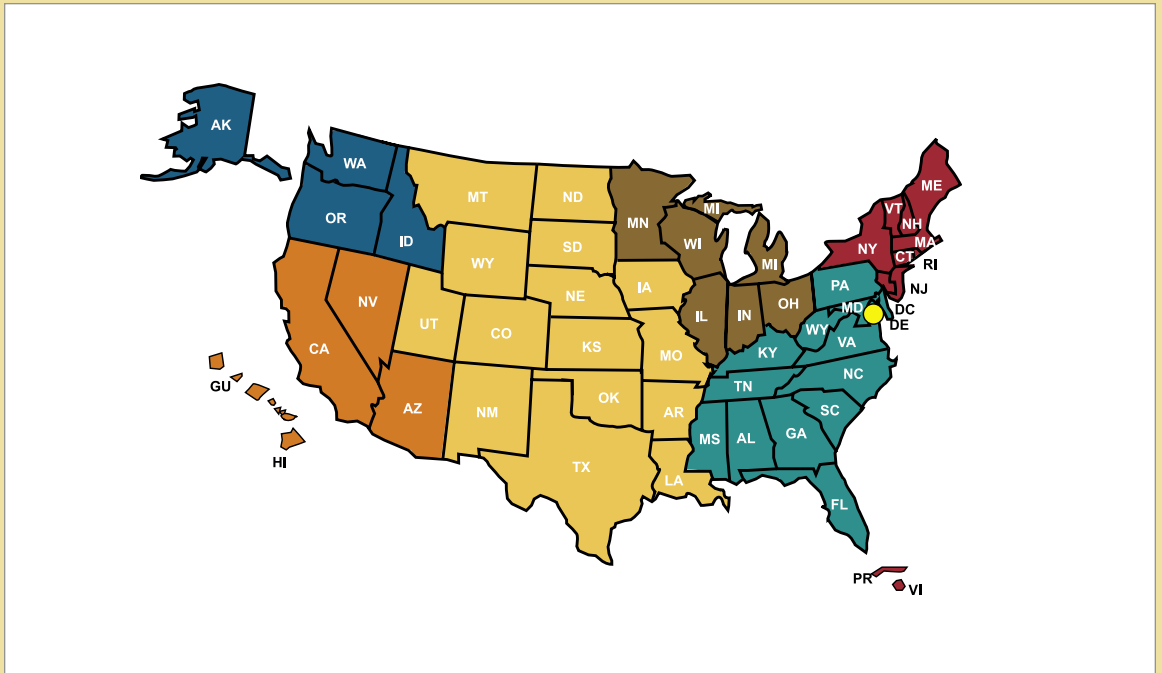
general information

The landholding agency should review its protection and maintenance plan to ensure that historic resources will not suffer demolition or neglect during the disposal time frame.

The landholding agency should not engage in the negotiations of any restrictive covenants that will be included in the conveyance documents to mitigate adverse effects. Restrictive covenants can be standard covenants approved by the SHPO which will result in a finding of no adverse effect or they can be negotiated for a specific disposal.

When an undertaking may directly and adversely affect a National Historic Landmark, the landholding agency must request Advisory Council on Historic Preservation to participate in consultation to resolve adverse effects. The landholding agency must also notify the National Park Service of any consultation involving a National Historic Landmark, and invite the National Park Service to participate where there may be an adverse effect.

GSA regional offices



<http://www.propertydisposal.gsa.gov/>



Central Office
Office of Property Disposal
U.S. General Services Administration
1800 F Street, NW, Room 4244
Washington, DC 20405
202-501-0084



Greater Southwest Region
U.S. General Services Administration
819 Taylor Street, Room 11 B03 (7PR)
Ft. Worth, TX 76102
817-978-2331
Fax-on-Demand 817-978-2063



New England Region
U.S. General Services Administration
10 Causeway Street
Boston, MA 02222
617-565-5700 or 800-755-1946



Pacific Rim Region
U.S. General Services Administration
450 Golden Gate Avenue
San Francisco, CA 94102
888-472-5263
Fax-on-Demand 415-436-7402



Great Lakes Region
U.S. General Services Administration
230 South Dearborn Street
Chicago, IL 60604
312-353-6045 or 800-755-1946



Northwest Arctic Region
U.S. General Services Administration
400 15th Street, SW
Auburn, WA 98001
253-931-7547 or 800-814-6205
Fax-on-Demand 253-931-7554



Southeast Sunbelt Region
U.S. General Services Administration
401 West Peachtree Street
Atlanta, GA 30365
404-331-5133 or 800-473-7836



National Capital Region
U.S. General Services Administration
301 7th Street, SW
Washington, DC 20407
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